

## BOOK REVIEWS

**Loyalties**, DANIEL PATRICK MOYNIHAN, Harcourt Brace Jovanovich, New York, New York, 1984, pp. 96.

As man is God's most cherished creation, so preservation of His gift of life to us must be our most urgent duty.<sup>1</sup>

Senator Daniel Patrick Moynihan authored the preceding admonition in his latest book, *Loyalties*. The senior United States Senator from the State of New York criticizes his Congressional colleagues for failing to display the kind of loyalty to life that constitutes the most urgent duty of our elected officials in Washington. The impetus for this criticism and other noncollegial statements was the Senate's overwhelming approval in 1983 of legislation authorizing the procurement and deployment of the MX missile.<sup>2</sup> Senator Moynihan strongly opposed that legislative action; his negative vote regarding the MX missile marked the first time he had voted against a defense bill since joining the United States Senate.<sup>3</sup> It is his disturbing contention that the MX missile decision represents "the most profound mistake in the history of America's nuclear weapons."<sup>4</sup>

Senator Moynihan's pointed criticism of the MX missile decision raises an inevitable question: How could a decision to build and deploy the most powerful and accurate intercontinental ballistic missiles ever developed by this country be so foreboding? In response, Senator Moynihan argues that the MX decision will result in a radical departure from long-established United States nuclear arms policy. The Senator states that, at present, America's retaliatory nuclear weapons are deployed in three ways: via intercontinen-

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<sup>1</sup> D.P. MOYNIHAN, *LOYALTIES* 27 (1984).

<sup>2</sup> See *id.* at 3, 21-22. Moynihan reports that the Senate vote was 83 to 15 in favor of passage of the final bill authorizing \$2.536 billion for the procurement of 27 MX missiles—21 of which are scheduled to be deployed over the next few years. *Id.* at 3, 21. The remaining six missiles are to be reserved for spares and tests. *Id.* at 3. This legislation represents the first Congressional response to President Reagan's request for the procurement and deployment of 100 MX missiles to be located in fixed silos on the plains of the American West. See *id.* These MX missiles will serve as substitutes for the currently deployed Minuteman missiles. See *id.* The House of Representatives had earlier given its stamp of approval to similar legislation regarding the MX missile. *Id.* at 17.

<sup>3</sup> *Id.* at 21. Senator Moynihan was first elected to the United States Senate in 1976. CONGRESSIONAL DIRECTORY, 99TH CONGRESS 128 (1985-1986) [hereinafter cited as CONGRESSIONAL DIRECTORY]. He was re-elected to the Senate in November, 1982. *Id.*

<sup>4</sup> D.P. MOYNIHAN, *supra* note 1, at 4.

tal ballistic missiles ("Minuteman" missiles) located in silos on the Western plains; in long-range bombers; and aboard nuclear submarines—the so-called "triad mode" of defense.<sup>5</sup> This strategy of nuclear deterrence by land-based, air-based, and sea-based weapons dates back to the Eisenhower Administration<sup>6</sup> and has evolved as an alternative to a "first strike" strategy by the United States.<sup>7</sup> Rather than seeking to match the Soviet Union's huge stockpile of intercontinental ballistic missiles on a weapon-for-weapon or warhead-for-warhead basis, the United States has been content to maintain a lesser nuclear force in terms of quantity and destructive capacity, but one sufficiently potent, qualitatively, to deter the Soviets from attacking.<sup>8</sup> Senator Moynihan reasons that prior to the MX legislation, this doctrine of deterrence provided the two superpowers with a degree of "crisis stability."<sup>9</sup> The United States accepted the fact of the Soviet Union's large nuclear capacity; nevertheless, we sought to ensure that America would have a retaliatory nuclear force deployed in such a manner that a surprise attack by the Soviets could destroy only a portion of that force.<sup>10</sup> According to the Senator, this strategy ensured that after the initial enemy strike, the United States would still be able to launch a devastating "second strike" against the enemy's major population centers.<sup>11</sup> Hence, "no rational head of state or military commander would commence a nuclear" attack against the United States.<sup>12</sup>

Senator Moynihan believes that Congress's plan to substitute dozens of new MX missiles for the currently deployed, but far less powerful, Minuteman missiles will bring about "the most profound change in nuclear strategy in our history."<sup>13</sup> With a weight of ninety-five tons and a "payload" of ten nuclear warheads per mis-

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<sup>5</sup> *Id.* at 3.

<sup>6</sup> *Id.* at 5.

<sup>7</sup> *See id.* at 17.

<sup>8</sup> *See id.* at 5-6.

<sup>9</sup> *Id.* at 18. Senator Moynihan states:

The principal goal of crisis stability is to ensure, as much as possible, that in a crisis that might lead to war each party is reasonably confident that it will not be destroyed by a preemptive strike by the other party. Communication is essential, or would reasonably seem to be. The "hot line" between Washington and Moscow was installed after the 1962 missile crisis.

*Id.* at 18-19.

<sup>10</sup> *Id.* at 4-5.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.* at 17.

sile,<sup>14</sup> the MX—if deployed in sufficient numbers—represents a destructive-force potential that is unprecedented in the history of United States nuclear arms policy.<sup>15</sup> As a result, the United States would, for the first time, have a “first strike” capability of wiping out the Soviet Union’s entire force of land-based nuclear weapons.<sup>16</sup> Senator Moynihan believes that while prior strategy had envisioned the United States absorbing a nuclear attack before firing back, deployment of an arsenal of MX missiles will have a “catch-22” effect on military strategy.<sup>17</sup> Because the MX is too large to conceal and too powerful and vulnerable not to be targeted by the Soviets, the Soviets would, in a crisis, be tempted to destroy that vulnerable arsenal by means of a first strike.<sup>18</sup> Likewise, because the MX is too valuable to be sacrificed by the United States, we would be tempted to “use or lose” our most powerful, accurate, and expensive nuclear weapon.<sup>19</sup> The result will be a “hair trigger” approach to crisis management, or what Senator Moynihan calls “crisis instability.”<sup>20</sup>

The balance of Senator Moynihan’s book deals with certain foreign policy shortcomings attributed to the Carter Administration and with the perceived disaffirmance by President Reagan of international law’s importance to the goal of world peace. Former President Carter is particularly censured for his Administration’s disloyalty to Israel in the United Nations. According to the Senator, this disloyalty was primarily evidenced by the inaction of America’s United Nations delegation in the face of an anti-Zionism campaign waged within that international collegium during the time of Carter’s Presidency.<sup>21</sup> More specifically, Senator Moynihan, the former United States Ambassador to the United Nations,<sup>22</sup> accuses President Carter’s United Nations delegation of being too willing to abstain on key anti-Israeli votes in the Security Council, which were generated by several “increasingly vicious Soviet-Arab assaults” fol-

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<sup>14</sup> *Id.* at 12.

<sup>15</sup> *See generally id.* at 3-31.

<sup>16</sup> *See generally id.*

<sup>17</sup> *See id.* at 19-20.

<sup>18</sup> *See id.*

<sup>19</sup> *See id.*

<sup>20</sup> *See id.*

<sup>21</sup> *See generally id.* at 35-58 (entire chapter discussing United States dilemma).

<sup>22</sup> Moynihan was the United States Ambassador to the United Nations in 1975 and 1976. CONGRESSIONAL DIRECTORY, *supra* note 3, at 128. He was serving in that capacity in November of 1975, when the United Nations General Assembly passed its infamous resolution declaring “Zionism to be a form of racism.” D.P. MOYNIHAN, *supra* note 1, at 52. Senator Moynihan vigorously opposed this resolution in his role as the American Ambassador. *See id.*

lowing the Camp David peace accords between Israel and Egypt.<sup>23</sup> Senator Moynihan finds it especially outrageous that, in 1980, the then American Ambassador to the United Nations was allowed to vote in favor of "a particularly vicious anti-Israeli resolution" in the United Nations Security Council.<sup>24</sup> This resolution found Israel guilty of "flagrant violation[s]" of the Geneva War Crimes Convention in connection with its conduct in occupied territories.<sup>25</sup> The Senator posits that by voting for this negative resolution, President Carter's representatives betrayed Israel, harmed the interests of the United States, and injured those nations that have sided with the United States in advancing peace in the Middle East.<sup>26</sup> Senator Moynihan is quick to note that this resolution came in the wake of a new, aggressive phase of Soviet foreign policy, which included military intervention in Ethiopia in 1977 and Soviet support for coups in Afghanistan and South Yemen in 1978.<sup>27</sup> With this in mind, Senator Moynihan views the increasing silence of American diplomats at the United Nations during the Carter Presidency as evidence of their disloyalty to upholding the United Nations Charter on Human Rights.<sup>28</sup>

Senator Moynihan criticizes both former President Carter and President Reagan for failing to support adequately the ideal of a system of world order and world law and for failing to display a sense of the past American commitment to the role of international law in world affairs.<sup>29</sup> The Senator argues that international "[c]risis and chaos are conditions in which totalitarian purposes thrive."<sup>30</sup> In addition, the Senator notes, in the absence of international law, aggrieved nations are left with the poor choice either to "do nothing or go to war."<sup>31</sup> He criticizes President Reagan's response to the Soviet Union's intentional shooting down of the Korean Airlines passenger jet in late 1983 as being "even more disoriented" than was President Carter's response to the Soviet Union's invasion of

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<sup>23</sup> See D.P. MOYNIHAN, *supra* note 1, at 35-58. The Senator states: "[A]s a matter of plain and universally understood fact . . . for the United States to abstain on a Security Council resolution concerning Israel is the equivalent of acquiescing." *Id.* at 54.

<sup>24</sup> *Id.* at 44.

<sup>25</sup> *Id.* at 45.

<sup>26</sup> *Id.* at 57. The 1980 "anti-Israel" vote, in Moynihan's view, did much to "bring down" the Carter Presidency and to injure the Democratic Party. *See id.* at 45-46, 53, 57.

<sup>27</sup> *Id.* at 51.

<sup>28</sup> *See id.* at 51-52.

<sup>29</sup> *See id.* at 64, 84.

<sup>30</sup> *Id.* at 84.

<sup>31</sup> *Id.* at 64.

Afghanistan in 1979.<sup>32</sup> The Senator remarks that in neither case did an American President emphasize the serious violations of international law that had been committed by the Soviet Union.<sup>33</sup> Instead, Carter's response to the Afghanistan invasion was more one of disillusion at having been personally deceived by the Soviet leader, and the result was the imposition of a grain embargo and the cancellation of American participation in the 1980 Olympics.<sup>34</sup> Reagan's response to the Korean airliner incident was to abuse the Soviet Union verbally—calling the shooting “a terrorist act” and a massacre about which the Soviets “had ‘flagrantly’ lied” —and then to do nothing.<sup>35</sup>

Equally unsatisfactory to Senator Moynihan was President Carter's response to the Iranian government after the American embassy in Tehran and its occupants were seized in early 1980. The United States was initially willing to discuss the matter with Iran, despite its breach of what Moynihan terms the most fundamental tenet of international law—the immunity of foreign ambassadors and embassy personnel.<sup>36</sup> Only after weeks of inexplicable indecision did the Carter Administration focus on this international law issue by suing Iran in the International Court of Justice.<sup>37</sup> In the Senator's view, the initial American response had been “political when it ought to have been legal.”<sup>38</sup> Senator Moynihan reasons that the United States should have reacted immediately to these incidents by proclaiming them egregious violations of international law and by actively pursuing legal proceedings in the appropriate international forums.<sup>39</sup> Senator Moynihan believes that, rather than limiting our options to doing nothing and “blowing up the world,” the United States should set an example for all nations by going to court rather than going to war.<sup>40</sup> In so doing, the United States would at least be attempting to forge world opinion and moral outrage into a formidable sanction against aggression.<sup>41</sup>

As a result of American intervention in Grenada in October of 1983, Senator Moynihan expresses further disillusionment over the

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<sup>32</sup> *See id.*

<sup>33</sup> *See id.* at 63.

<sup>34</sup> *Id.* at 62.

<sup>35</sup> *Id.* at 63-64 (quoting Edwin M. Yoder, Jr. of the *Washington Post*).

<sup>36</sup> *See id.* at 86.

<sup>37</sup> *Id.* at 88-90.

<sup>38</sup> *Id.* at 87.

<sup>39</sup> *See id.*

<sup>40</sup> *See id.* at 64-66.

<sup>41</sup> *See id.*

extent of President Reagan's commitment to international law.<sup>42</sup> The Senator points out that President Reagan, in responding to a general United Nations condemnation of the Grenada invasion, went to great lengths "to have it understood that he could not care less" about such reprisals.<sup>43</sup> Senator Moynihan laments this apparent abandonment of our former belief that it is in the interest of the United States to advance the cause of international law in world affairs.

Readers of *Loyalties* may challenge the merits of Senator Moynihan's hindsight lecturing of Presidents Reagan and Carter, especially as it concerns the importance of international law to present day international crisis management. Nonetheless, the Senator's arguments regarding that subject are appealing as well as provocative, particularly when viewed in the context of the long-time American commitment to the vision first raised by President Woodrow Wilson—the ideal of a world ruled by law.

Because of the unique perspective Senator Moynihan brings to any debate over the conduct of American foreign policy, his book is noteworthy. What makes *Loyalties* remarkable, however, is the Senator's frank and disturbing assessment of the nuclear arms policy decisions currently being made on behalf of the United States. Of particular significance is his assessment of Congress's decision authorizing deployment of the MX missile. After nearly ten years as a United States Senator, Senator Moynihan has concluded that the United States Senate "has no capacity for making complex scientific judgments" regarding this country's weapons systems.<sup>44</sup> Furthermore, the Senator reports that "there was a catatonic quality" to the decision "authorizing deployment of the most powerful and deadly missile system the United States had ever developed in a mode so vulnerable as to practically invite a preemptive attack."<sup>45</sup> According to the Senator, this "catatonic quality" was evidenced by the fact that each existing Minuteman missile silo into which an MX missile will be loaded has for years been targeted by at least two Soviet missile warheads.<sup>46</sup>

What accounts for the MX decision then, aside from a lack of expertise on the part of Congress? According to Senator Moynihan, routine politics is the culprit—Congress never refuses a President's

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<sup>42</sup> See *id.* at 93-95.

<sup>43</sup> *Id.* at 95.

<sup>44</sup> *Id.* at 10.

<sup>45</sup> *Id.* at 30.

<sup>46</sup> *Id.* at 19. Such warheads are said to be "dedicated." *Id.*

request for new military arms,<sup>47</sup> and President Reagan has argued that the MX missile is needed as a “bargaining chip” in his negotiations with the Soviet Union.<sup>48</sup> Hence, “[i]f nothing changes, the first ten MX [missiles] will be in their silos . . . in Wyoming in time for Christmas 1986.”<sup>49</sup> Senator Moynihan believes that when that happens, “the trigger [will be] at hand.”<sup>50</sup>

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<sup>47</sup> See *id.* at 26-27.

<sup>48</sup> *Id.* at 18.

<sup>49</sup> *Id.* at 22. The battle over funding for the MX missile continues in Congress, as evidenced by a vote in the House of Representatives on March 26, 1985, defeating a challenge to the continued production of the weapon: the MX backers won by only six votes, 219-213. Two days later, on March 28, 1985, Senate Minority Leader Byrd and three other Senators unveiled a long-term plan that would limit the total number of MX missiles deployed in existing launch silos to 40, rather than the 100 requested by President Reagan. 1985 Congressional Quarterly 563-71, March 30, 1985.

<sup>50</sup> D.P. MOYNIHAN, *supra* note 1, at 15.

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